IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1408 OF 2007

Mohd.Mutalif Mohd. Allaudin Ansari. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Ganesh Gole, Adv. for the Applicant.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 30th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.I-127 of 2006 of Nizampura Police Station, Bhiwandi, District - Thane. The said case is under Section 302 of IPC.

3. The applicant and the deceased were both working in a hotel. From the statements of Abules Noor Mohammad Momin and Alli Gumajnabi Hajam, it is clear that the deceased first started abusing the applicant. At that time, the applicant told

him that Roza is going on and hence he should not abuse. At that time, the deceased caught hold of the neck of the applicant and started giving fist blows. At that time the applicant, who was cutting onions with knife, assaulted the deceased with the said knife.

4. Mr.Gole, submitted that looking to the facts of this case, the case of the applicant would not fall under Section 302 of IPC. Looking to the statements of the above witnesses, I find much merit in this submission. Hence, I am inclined to grant bail to the applicant.

5. The applicant - Mohd.Mutalif Mohd. Allaudin Ansari to be released on bail in the sum of Rs.15,000/- with one or two sureties to make up the said amount. The sureties shall be local sureties. The applicant shall report to Nizampura Police Station, Bhiwandi, District - Thane once in a week, till conclusion of the trial.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)